



1 (The Court opened at 10:30 a.m.)

2 THE CLERK: Your Honor, the matter before the  
3 Court is criminal number 18-61, United States of America  
4 versus Sam Bent. Present on behalf of the government is  
5 Assistant United States Attorney Michael Drescher. The  
6 defendant is present with his attorney, Stephanie Greenless.  
7 And we are here for sentencing.

8 THE COURT: All right. Morning. Good to see  
9 everybody.

10 MS. GREENLESS: Good morning.

11 MR. DRESCHER: Good morning.

12 THE COURT: Let me start by reviewing everything  
13 I've received and make sure I've got everything you  
14 submitted. I have the Pre-Sentence Report, of course. A  
15 memo from the defense with a letter attached from Mr. Bent.  
16 A memo from the government. And I know I read a letter  
17 also, I think, from Mr. Bent's mother. Was that attached to  
18 the, the supplemental filing or was that, where did I find  
19 that Miss Greenless?

20 MS. GREENLESS: So there were several letters of  
21 support attached as exhibits.

22 THE COURT: To your sentencing memo?

23 MS. GREENLESS: Yes, Your Honor.

24 THE COURT: That's where I had to have read it.

25 MS. GREENLESS: And then also a few evidentiary

1 exhibits.

2 THE COURT: I think, did I get everything from  
3 both sides, the two memos?

4 MR. DRESCHER: I believe so, yes.

5 THE COURT: Sometimes things come in at the last  
6 minute. And I just wanted to make sure.

7 The other thing that I can say initially is that  
8 I'll accept the 11(c)(1)(C) agreement from both sides to cap  
9 the sentence at nine years. I appreciate the efforts that  
10 you both made in reaching that understanding.

11 I know that both sides are free to argue for  
12 sentences at or below that level. It's a serious case. But  
13 I didn't think, and I appreciate the government's being very  
14 straight up about it, I think the government appreciated as  
15 well, it probably wasn't a 14 year case. So I think the  
16 nine year cap is appropriate under the circumstances, an  
17 appropriate place to begin the discussions.

18 Mr. Bent, a couple questions for you. Did you  
19 have an opportunity to read the Pre-Sentence Report?

20 MR. BENT: Yes, I have, Your Honor.

21 THE COURT: Did you also have a chance to go over  
22 it in private with your attorney, Miss Greenless?

23 MR. BENT: Yes, Your Honor.

24 THE COURT: Was she able to answer any questions  
25 that you had about it?

1 MR. BENT: She was.

2 THE COURT: Okay. And, Miss Greenless, are there  
3 objections to the Pre-Sentence Report which remains after  
4 your discussions with the probation office that the Court  
5 needs to resolve?

6 MS. GREENLESS: Yes.

7 THE COURT: Why don't we take them up one at a  
8 time.

9 MS. GREENLESS: Would you like me to begin?

10 THE COURT: Sure. Mr. Bent, you can probably have  
11 a seat. And I'll turn things over to your lawyer.

12 MS. GREENLESS: So our first objection relates to  
13 the drug quantity found in the PSR and base offense level of  
14 26. So the PSR arrived at the base offense level 26 with a  
15 458 kilogram converted drug weight. A hundred and 56 of  
16 that was from converted drug weight that was from a seized  
17 net quantity, seized between March 2018, approximately  
18 March 13th to April 9th.

19 So our argument is that the -- so there's evidence  
20 or the estimate was based on -- the first evidence of any  
21 drug, other than marijuana being sold, would be January 18,  
22 2018. And then this hundred and 56 net quantity converted  
23 drug weight, multiplying that 156 kilograms by three.

24 So our argument is that there's no evidence that  
25 actually supports that additional, it's 244 kilograms of

1 converted drug weight, or an amount that could reach the 400  
2 kilograms of converted drug weight to reach a base offense  
3 level of 26.

4 THE COURT: So let me push back a little bit and  
5 make sure I understand your position. No question about the  
6 accuracy of the 156 --

7 MS. GREENLESS: No objection to that, Your Honor.

8 THE COURT: -- kilos, right?

9 MS. GREENLESS: Yes. It's the 244 kilograms  
10 converted drug weight approximation that we're objecting to.  
11 And even a quantity that could reach a base offense level of  
12 26.

13 THE COURT: It would be two more months at the  
14 hundred and 56 kilogram rate?

15 MS. GREENLESS: Two more months of distribution?

16 THE COURT: That's the PSR's position, right?

17 MS. GREENLESS: Yes, Your Honor.

18 THE COURT: 156 months for essentially a month,  
19 slightly less, but, and then two more periods of a hundred  
20 and 56 kilograms?

21 MS. GREENLESS: Yes, Your Honor.

22 THE COURT: So, and we know that the month, the  
23 converted drug weight wasn't the only product that was  
24 moved. So what would be --

25 MS. GREENLESS: Yes, Your Honor.

1 THE COURT: -- an alternative way of fairly  
2 computing that?

3 MS. GREENLESS: So I believe that the available  
4 evidence should be considered in approximating it. And the  
5 evidence is that Mr. Bent's statements to agents on, I  
6 believe, April 9th and 11th that he only had recently  
7 started selling the MDMA, LSD and cocaine, and that he  
8 predominantly sold cannabis.

9 Also in the attachments to our sentencing memo  
10 they show the actual dates that he listed MDMA, cocaine,  
11 LSD. The first time MDMA was listed was January 18th. It  
12 was taken down for sale on March 7th. So it was a limited  
13 time range that it was up prior to the investigation. That  
14 wouldn't equal two months of sale.

15 With cocaine, it was listed sometime after  
16 January 19th, according to these listings, online listings.  
17 And then it was taken down for sale on March 4th. So,  
18 again, sold less than two months.

19 Then LSD, which would amount to the largest  
20 converted drug weight, was listed for the first time,  
21 according to the evidence, on March 2nd. So for only 12  
22 days prior to the start of the investigation when packages  
23 started to be seized.

24 And then also when Mr. Bent was being interviewed  
25 by agents he gave them access to his computer and all of his

1 marketplace accounts, spending accounts. And agents were  
2 able to pull a 28 day history from that. And it shows what  
3 he was selling and quantities.

4 So that can be used to average approximate  
5 quantities sold of, our position is that they can be used to  
6 approximate quantities sold for that limited period of time  
7 that the -- so the 46 days the MDMA was sold prior to  
8 March 13th. The four days the cocaine was sold. And only  
9 12 days of LSD being sold.

10 THE COURT: What about the autumn of 2017 when we  
11 know that financial transactions were occurring? We don't  
12 know much about the drug distribution. They would just be  
13 sort of not taken into consideration?

14 MS. GREENLESS: Well, I would -- so I think that  
15 they can be taken into consideration. But the only evidence  
16 is that he was selling marijuana and hash.

17 THE COURT: Right.

18 MS. GREENLESS: And as I pointed out in the memo,  
19 Mr. Bent's sentencing memo, if you approximate based on this  
20 28 day history, including then the 156 kilograms that we  
21 don't object to, to reach a base offense level of 26, the  
22 400 kilograms of converted drug weight, there would need to  
23 be evidence of a minimum of 111,000 grams of marijuana --  
24 well, and then, excuse me. Let me back up.

25 So if you assume his cannabis sales were

1 50 percent hash, marijuana, because that roughly is what the  
2 evidence shows, there would need to be evidence of a minimum  
3 of a hundred thousand 11 grams of marijuana, 5,560 grams of  
4 hash to reach the necessary converted drug weight. And  
5 there just isn't evidence of that.

6 THE COURT: All right. While we're on this topic,  
7 why don't I ask the government about its objection to  
8 converted drug weight and then we can deal once and for all  
9 with the drug weight issue.

10 MR. DRESCHER: With regard to the drug weight, our  
11 initial position was that it should be higher than a base  
12 offense level of 26. I will withdraw that objection. And  
13 I'm prepared to defend the reasonableness of the base  
14 offense level of 26, the 400 to 700 kilograms of combined  
15 drug weight.

16 And there are several reasons why the PSR's, quite  
17 frankly, very thoughtful analysis should be the Court's  
18 conclusion with regard to drug weight.

19 As Your Honor and Ms. Greenless have recognized,  
20 we have 156 kilograms of combined drug weight in hand. That  
21 represents a snapshot of about a month. We know that the,  
22 Mr. Bent's drug sales dated back at least until October when  
23 he began his bitcoin laundering for drug proceeds, to which  
24 he's pleaded guilty.

25 So we have about a six month period of time when



1 we know, by virtue of his guilty plea, and the undercover  
2 bitcoin sales or bitcoin exchange, that he had been involved  
3 in drug sales for six months. So some multiplier on top of  
4 the 156 is appropriate.

5 I should emphasize that 156, the 156 kilograms of  
6 combined drug weight is what we have in hand. But I think  
7 it would be a mistake to conclude that that was a -- that  
8 that amount reflects everything that had happened during  
9 that month time period.

10 I have provided the, Your Honor's courtroom deputy  
11 with two exhibits that I've shared with Miss Greenless.  
12 They are excerpts of Mr. Bent's post-arrest statement.

13 And I would like to, with the Court's permission I  
14 would like to refer to these in making and arguing quantity.  
15 I don't -- I've shared them with Miss Greenless, I don't  
16 know if there's an objection to their use in this context.

17 MS. GREENLESS: No objection.

18 THE COURT: Appreciate it. So 1 and 2 are  
19 admitted for the purposes of the sentencing hearing.

20 MR. DRESCHER: Thank you, Your Honor. I'm going  
21 to start with -- so there are two different exhibits because  
22 Mr. Bent was interviewed on two different days.

23 I'd like to start with Exhibit 2, which is the  
24 first of his two interviews. And Mr. Bent admits at lines  
25 nine and -- in the first substantive page of Exhibit 2 is

1 page 93 of that transcript. And at lines -- the first half  
2 of that page Mr. Bent is talking about the shipping of  
3 packages and his cousin's role in that.

4 And Mr. Bent says, beginning at line nine, I mean  
5 sometimes I have 20 or 30 of them going out, meaning  
6 packages, containing his drugs, in one day.

7 Now, we have about 90 parcels seized in the course  
8 of just one month. And that would be a small fraction of  
9 this range of shipping.

10 The other part of Exhibit 2 I'd like to emphasize  
11 is a different page of the transcript. It's page 61 of the  
12 transcript, but the third page of the exhibit.

13 And at this point in the interview Mr. Bent admits  
14 to having done approximately 500 dark web drug transactions  
15 on the Dream Dark Web Marketplace.

16 And then he estimates that all of his transactions  
17 on the other marketplaces were double digits, not triple  
18 digits. So he himself admits to at least 500 transactions  
19 on one marketplace alone and then some unspecified quantity  
20 on the other marketplaces.

21 The PSR lists what those other marketplaces  
22 consisted of at page 14. And they are numerous. There's  
23 the Hansa Marketplace, the Traderoute Marketplace, there's  
24 Arrow, Berlusconi, Wall Street, Zion, Sorcery and others.

25 So there are a number of -- that's at paragraph 14

1 of the PSR. We don't know how many transactions there were  
2 from those others, but he admits that there were others. So  
3 we have about 90 transactions in hand.

4 He admits to some quantity of drug transactions  
5 that is a significant multiple of 90. More than five times  
6 the 90 we have in hand. And that's based upon his  
7 admissions to law enforcement.

8 Those, you know, I think that would be a  
9 reasonable basis for the Court to multiply the 156 by five  
10 to get to an amount even above 400 to 700. In the interest  
11 of being conservative, I'm only trying to defend the PSR at  
12 this point.

13 Finally, with regard to Exhibit 1, which is a part  
14 of the interview that, Mr. Bent's second interview that  
15 followed the search of his residence in April of 2018, he's  
16 asked at the bottom of the second page of the exhibit, page  
17 98 of the transcript, how much cash was sent to you? He was  
18 being asked about how he liquidated his bitcoin drug sale  
19 proceeds. And he explained that he was using the online  
20 dark web cash exchange or who went by the moniker of Gold.  
21 And he states, beginning at line 24 of page 98, the biggest,  
22 the biggest cash out I ever did was \$3,000 and that was  
23 about three months ago.

24 I emphasize that because we know, by virtue of  
25 Mr. Bent's guilty plea, and the evidence, that he actually

1 had a \$10,000 cash out using that online, online bitcoin  
2 exchanger as alleged in the money laundering, one of the  
3 money laundering counts.

4 So on top of his admissions to having had at least  
5 500 drug transactions, and on top of his admissions that he  
6 would send out 20 to 30 packages a day at times, we also can  
7 conclude he was also minimizing at the same time he was  
8 making those admissions.

9 Again, that would give the Court an extra basis  
10 for concluding it's reasonable to multiply the drugs, the  
11 156 kilograms we have in hand.

12 And then on top of that, he was, at the time of  
13 the search of Mr. Bent's residence, there was an additional  
14 approximately \$6,000 of bitcoin that he at that point  
15 possessed in his bitcoin wallet that had been seized and  
16 it's been administratively forfeited, which is further  
17 evidence of drug dealing that is, that is, that should be  
18 considered.

19 THE COURT: All right. Miss Greenless, anything  
20 else to add on that issue?

21 MS. GREENLESS: Yeah, if I could just respond to a  
22 couple things. So, Mr. Drescher, he mentioned six months of  
23 sales. However, I don't, based on the evidence I don't  
24 believe that's correct. Prior to 2018 he admitted to agents  
25 that he was, he was a vender on Hansa, a dark net

1 marketplace. However, Hansa was taken down in July 2017  
2 based on evidence produced by the government.

3 And Mr. Bent told agents that he did not  
4 thereafter get back on a vender account on a dark net  
5 marketplace until 20 -- several months later, I believe  
6 early 2018, late 2017. So I, without, without any evidence  
7 of him actually distributing or on a vender account for six  
8 months I, I don't think the Court can find that.

9 And as far as all the vender accounts that the  
10 government mentioned in paragraph 14 of the PSR it does list  
11 multiple accounts, but it also states that the vender was  
12 solely on the Dream Marketplace. So he was vending solely  
13 on the Dream Market, not on all these other accounts.

14 THE COURT: All right. Thank you. I'm going to  
15 deny the objection. I think that the drug quantity  
16 calculation is fair. Nobody contests the calculation with  
17 respect to the 156 kilos of converted drug quantity.

18 The question is how to fairly estimate the  
19 additional trafficking. Djeneba Bent reported that she  
20 started to help out by mailing packages in January, two  
21 months before Mr. Bent was uncovered, and worked for a total  
22 of about three months.

23 I think the -- using the base of 156 kilos, and  
24 adding two months more of trafficking, likely understates  
25 the full scope of the operation, very much for the reasons

1 that Mr. Drescher has identified. It doesn't account for  
2 sales before January of 2018. It doesn't account for sales  
3 during the 156-kilo period that slipped through the, slipped  
4 through the net and weren't included. And it seems to  
5 article fairly for the most active period of sales when Sam  
6 and Djeneba Bent were working together in the first three  
7 months of 2018.

8 So I think it is always in these cases an estimate  
9 based on imperfect information. That's the nature of the  
10 process. But I think this is a fair estimate, conservative  
11 in the sense that it, if there's error in it it probably is  
12 most likely in favor of the defendant. So I don't think it  
13 overstates the drug quantity.

14 Other objections?

15 MS. GREENLESS: The firearm enhancement, Your  
16 Honor.

17 THE COURT: Right.

18 MS. GREENLESS: So I believe our sentencing memo,  
19 it meets the clearly improbable standard to avoid the  
20 enhancement. Evidence shows that the rifle as found in  
21 Tracy Baker's bedroom, who he was sharing a residence with  
22 at the time of the April 9th search. Not Sam's bedroom.  
23 Sam and Miss Baker had broken up several months prior to the  
24 search. And he had been sleeping either on the couch or in  
25 his son's bedroom.

1           The rifle was registered in Miss Baker's name.  
2       There's no evidence of anyone observing Mr. Bent with the  
3       firearm or believing he possessed a firearm.

4           The rifle was not in close proximity to any drugs  
5       found in the residence by agents. The majority of the drugs  
6       were obtained in a locked safe in a separate room, with the  
7       exception of some, I believe, marijuana that was stored in a  
8       freezer.

9           The rifle was found with an attached bayonet,  
10      which indicates it was more of a collectable item. And this  
11      might be an assumption, but if a rifle is being used for  
12      protection of drug proceeds and profits it would not make  
13      sense to attach a bayonet on it. It would seem to get in  
14      the way, if anything.

15          And then also I don't believe that it's -- the  
16      rifle is clearly connected to the offense here given the  
17      nature of the drug distribution here. It was all done  
18      online in a virtual location where buyers and sellers --  
19      well sellers, venders, their identities protected by the  
20      anonymous nature of the dark net and crypto currency.  
21      Venders do not meet face to face with their buyers or their  
22      suppliers.

23          And the packages being sent out also included fake  
24      addresses. So the risk of violence here, or need for  
25      possessing a gun, is not present. So the, I don't believe

1 the policy underlying the enhancement, which, you know,  
2 recognizing the increased risk of danger when guns are  
3 possessed in drug trafficking is applicable here.

4 THE COURT: Thank you. Mr. Drescher?

5 MR. DRESCHER: Certainly the guideline and the  
6 commentary to the guidelines create a sort of presumption  
7 that once the firearm is found that there has to be some  
8 really compelling evidence that it's unrelated to the drug  
9 offense. I think that is not the case here.

10 It was a loaded assault rifle. It was in the  
11 residence that Mr. Bent was maintaining for the purposes of  
12 drug distribution and drug storage. In the same residence  
13 of the assault rifle there were over 700 LSD doses, about,  
14 over a hundred and 40 gross weight grams of hash. More than  
15 20 grams net weight of MDMA. More than 16 pounds of  
16 marijuana. A quantity of mushrooms. A quantity of cocaine.  
17 And that's just a recipe for problems having a loaded gun in  
18 the vicinity of distribution, of distribution inventory of  
19 drugs.

20 Miss Greenless has argued that because Mr. Bent's  
21 drug distribution was an online enterprise that that should  
22 somehow disconnect the gun from the drug operation. And I  
23 don't think that makes sense in light of the fact that this  
24 is the same residence where the inventory was being kept,  
25 the same residence where the packaging was occurring. And



1 the guidelines create the enhancement because of the  
2 dangerous mix of guns and drugs.

3 On top of that Mr. Bent was aware that he was  
4 prohibited from possessing a gun. And for him to, for him  
5 to indulge the presence of a loaded gun in the same house,  
6 on top of the drug operation, just doesn't add up. We think  
7 the firearm enhancement should apply.

8 THE COURT: I'll sustain the objection and remove  
9 the firearm enhancement. The firearm belonged to somebody  
10 else. It wasn't, as best we can tell, in close proximity to  
11 where Mr. Bent stayed in the house because he and the gun's  
12 owner were estranged, at least romantically.

13 The more critical reason I think is that the  
14 secrecy and anonymity of the operation made it unlikely that  
15 a firearm would be a part of the criminal activity.

16 As I understand how it worked, Mr. Bent never met  
17 his suppliers because he met them anonymously on the web.  
18 And they didn't want to know who he was and he didn't want  
19 to know who they were. And then, similarly, on the sales  
20 side, he sold anonymously and took considerable measures to  
21 conceal his whereabouts by driving to various post office  
22 boxes and using fake return addresses so that a disgruntled  
23 purchaser wouldn't know how to find him.

24 So the nature of the dark web transaction makes it  
25 extremely unlikely that there would be the sort of

1 confrontation that we would associate with a sales of drugs  
2 out of a known location like a, like a crack house or an  
3 apartment.

4 So I think the way it was set up makes it unlikely  
5 that somebody else's gun in a different part of the house  
6 was, is fairly attributed to this operation.

7 Any other objections?

8 MS. GREENLESS: No, Your Honor, other than  
9 adjusting the total offense level based on the firearm  
10 enhancement being removed.

11 THE COURT: Yes. That would bring the final  
12 offense level from 35 down to 33. And the range from 135 to  
13 168 months. Is that how you see it as well?

14 MR. DRESCHER: It is.

15 THE COURT: And it's still in excess of the  
16 stipulated sentencing range under 11(c)(1)(C) agreement, but  
17 it's independently necessary and important that the  
18 guidelines be calculated fairly.

19 So any other objections that I need to decide?

20 MS. GREENLESS: No, Your Honor.

21 THE COURT: There were a couple others that were  
22 raised in the report. And are those waived?

23 MS. GREENLESS: Yes, Your Honor. They all related  
24 to -- aside from the firearm objection, they related to drug  
25 quantity.

1 THE COURT: Okay. Mr. Drescher, any further  
2 objections that I need to take up from the government's  
3 side?

4 MR. DRESCHER: No. Thank you.

5 THE COURT: Okay. Appreciate it.

6 At the end of the hearing, Mr. Bent, I'll put  
7 formal findings on the record which address the guidelines  
8 calculations adjusted as we've discussed. And I'll also  
9 speak more broadly about the statutory sentencing factors  
10 under the law that guide the Court in all cases, and, in  
11 particular, cases like this one which involve a request from  
12 both sides for a variance downward from the guidelines.

13 But I'll turn things over to you and Miss  
14 Greenless. I'd be glad to hear from you both in whatever  
15 order and in any way you wish to present on the sentencing  
16 issues.

17 MS. GREENLESS: Thank you, Your Honor. So Mr.  
18 Bent is requesting a downward variance from the guideline  
19 range and from what's set forth in the plea agreement, the  
20 cap. However, he has reconsidered his position in the  
21 sentencing memorandum as far as an appropriate sentence and  
22 believes that no more than four years would be appropriate  
23 here and based on Section 3553 factors.

24 Mr. Bent, he acknowledges the aggravating factors  
25 here, the seriousness of the crime that he committed and the

1 harmful effect of bringing drugs into communities. But  
2 there are aggravating factors here or, excuse me, mitigating  
3 factors here that the Court should be aware of, including,  
4 first, the very difficult and traumatic childhood he had.

5 His mother and he moved out of their home with  
6 their father at a very young age due to the father's cocaine  
7 use and physical abuse of his mother. Starting at the age  
8 of just nine years old he was physically abused by his  
9 stepfather for several years. So much so that his injuries  
10 put him into the hospital on more than one occasion.

11 He was kicked out of his mother's home around 16  
12 years old and left to care for himself for those young  
13 years.

14 So I think his childhood helps one understand the  
15 criminal, the criminal activity that he got involved in his  
16 teenage years that led to the convictions that are set forth  
17 in his criminal history.

18 But after that, after those convictions, for the  
19 approximately 11 years leading up to instant offense, he did  
20 very well. And he didn't run into any trouble until he  
21 broke up with his girlfriend, Tracy Baker. He and his  
22 girlfriend broke up in 2017. And he made the mistake of  
23 turning to drug distribution on the dark net to make some  
24 money to move out and independently support himself and his  
25 son.

1           And he acknowledges the wrongness of that. And  
2           that is shown by his extraordinary acceptance of  
3           responsibility. From day one he cooperated and helped law  
4           enforcement. He met with them voluntarily on two occasions  
5           sharing incriminating and detailed information about the  
6           drug distribution involved. He shared information about  
7           in-coming packages of narcotics. He gave consent to search  
8           these packages. He gave agents access to his computers, all  
9           of his dark net accounts, his bitcoin wallet, his passwords.  
10          Much of the discovery comes from that in this case.

11           He also spent a large amount of time educating  
12          agents on how the dark net works and how the vending on the  
13          dark web works. And for his May 31 arrest he voluntarily  
14          surrendered.

15           And since his arrest, and the April 19, April 9th  
16          search, he's done very well. He's turned his life around,  
17          in fact. He has had no violations of conditions while on  
18          pre-trial release. He's been employed for 11 of 13 months  
19          he's been out on release. And for those two months he  
20          wasn't, the PSR states that he was actively searching for  
21          employment.

22           He, since March 2019, he's been at a supervisor  
23          role at his job and has received very high employer reviews.  
24          And also he's been financially supporting his wife, her  
25          daughter and his son since his arrest.

1           And I don't believe that any more than four years  
2 of incarceration is necessary for rehabilitation here. He's  
3 a smart and motivated guy. You'll see when he speaks to  
4 you. He's got plans to get his degree in business and open  
5 up his own computer consulting business, use his skills for  
6 good.

7           And also there's already been a couple aspects of  
8 punishment involved here, including the \$6,000 in bitcoin  
9 forfeiture and a \$14,000 criminal judgment in the plea  
10 agreement. So we believe that those mitigating factors  
11 support a downward variance here.

12           THE COURT: All right. Thank you. Mr. Bent, how  
13 do you see things?

14           MR. BENT: Um, I made a really bad decision. My  
15 decision, you know, the whole purpose of me doing it was so  
16 that I could get away from the situation I was in as far as  
17 living with my ex. And it actually, you know, did the  
18 opposite because now I'm going to be taken away from them.

19           And looking back on it, it was a foolish thing to  
20 do. I could have just as easily started a legitimate  
21 business and done it that way.

22           THE COURT: If I can interrupt, it can't be an  
23 easy thing to figure out how to do?

24           MR. BENT: So prior to that I actually, I have, I  
25 own a computer consulting business. It's called Worldwide

1 Computer Consultants. It's a licensed LLC here in Vermont.  
2 So I had, I had the ability to do that in the past. Um,  
3 moving out to East Burke it's a lot more rural. There  
4 wasn't that much clients out there. And the internet was  
5 much slower. So I couldn't do remote desktop support with  
6 some of the clients that I had had in the past. So I lost  
7 them.

8 And my want to get out of the situation made me do  
9 something that is very foolish at the end of the day. I  
10 hadn't um, I hadn't had a job for a while prior to that.  
11 And living in the rural area there wasn't a lot of options  
12 out there. Not that I'm saying that this was one.  
13 Obviously, it wasn't.

14 And, you know, it was a very serious crime. And  
15 it's, it's something that, you know, it's going to take its  
16 toll, not just on me, because what I did I deserve whatever  
17 punishment I get. But, you know, also my family. And I  
18 think that's one of the worst parts of it, is how it will  
19 affect them. Because 10 years prior to that I spent taking  
20 care of them. And now that's not an option because of what  
21 I did.

22 Aside from that, and then to change that and to  
23 change the course of my future I've already secured  
24 employment for whenever I get out. My current job will have  
25 me back whenever I get out. And um, I'm looking to get a

1 business degree while I'm in there. Adam State University  
2 allows for correspondence courses. So I'm going to use the  
3 intelligence that I do have for good. You know, my computer  
4 skills, I can still use them. But, again, you know, in a  
5 responsible and legal manner that benefits society as  
6 opposed to corrupting it like I was.

7 THE COURT: All right. That's a very fair  
8 statement. Thank you.

9 MR. BENT: Thank you, sir.

10 THE COURT: Mr. Drescher, how does the government  
11 see things?

12 MS. GREENLESS: Slightly differently than the  
13 defense, as to be expected. Miss Greenless and Mr. Bent  
14 have suggested a four year sentence strikes the right  
15 balance. We think a sentence substantially longer would  
16 strike the right balance for a handful of reasons.

17 There are some mitigators here, or, I'm sorry,  
18 there are some aggravators here that I think are close to  
19 unique. First and foremost is the sophisticated nature of  
20 how the crime was committed.

21 Mr. Bent's operational security was impressive  
22 using the dark web, using encrypted communications, willing  
23 to pay a large premium in an effort to hide his drug  
24 proceeds from lawful scrutiny.

25 And folks who deal in controlled substances in



1 this manner are much less likely to be caught than the  
2 people who are dealing drugs the old fashioned way. That  
3 being the case, I think the Court's sentence is -- it is  
4 especially important that the Court send a general deterrent  
5 message to people who might be considering entering into  
6 this type of drug dealing operation.

7 On top of that, it's clear that Mr. Bent's motive  
8 in the case was not to, was not to help him obtain drugs to  
9 which he was addicted. His motive was profit. Pure and  
10 simple. And the fact that he did not see his customers face  
11 to face I, appears to have created this feeling that the,  
12 that the crime might not be as serious or as dangerous. He  
13 didn't have to live with the externalities, the costs of his  
14 drug dealing because he wasn't selling drugs to the people  
15 on the street block where he lived. But that doesn't make  
16 the drug dealing any less serious. And he was dealing very  
17 serious drugs to include LSD and cocaine.

18 There are some mitigators, to be sure. We think  
19 the nine year cap reflects most of the those. I'll comment  
20 on only one that was mentioned a moment ago. And that is,  
21 Mr. Bent did give interviews to law enforcement on the day  
22 of the search of his residence and a couple days later.

23 As I pointed out, earlier in the day there was  
24 some minimization in those, in those interviews. There was  
25 some suggestion that he, like, made available to law

1 enforcement his passwords. Well, as I understand what  
2 happened, when the search was executed the computer was up  
3 and running. And law enforcement had access to his computer  
4 as they entered into his residence.

5 So it's, the fact that law enforcement was able to  
6 identify what, what dark web marketplaces he had passwords  
7 for, what dark web marketplaces he had accounts up on, I  
8 don't think is something that Mr. Bent should be credited  
9 for because of the way the operation played out.

10 Having said that, Mr. Bent did sit down with law  
11 enforcement and did provide some background information  
12 about what his conduct had been. And for that he does  
13 deserve some credit. But we think that credit is in the  
14 form of the plea agreement that he's entered into already.

15 So our recommendation is that the right sentence  
16 is one that approaches nine years that will send an  
17 appropriate general deterrent message without being longer  
18 than necessary to strike the right balance of the other  
19 factors in Section 3553(a).

20 THE COURT: All right. Thank you both.

21 Can you remind me, Mr. Drescher, how the  
22 forfeiture works so that I have that in mind?

23 MR. DRESCHER: So there's -- the plea calls for  
24 the judgment to include, the sentence to include a  
25 forfeiture money judgment in the amount of \$14,000. It's my

1 understanding, I'll confess, I didn't review the rule coming  
2 into court today, but it's my understanding that it's, to  
3 comply with the rule, the Court's judgment, as it announces  
4 sentence today, should -- the Court should take care to  
5 include on the record that the sentence will include a  
6 forfeiture money judgment in that amount.

7 THE COURT: And there's a separate seizure of  
8 \$6,000 which I don't need to be concerned with?

9 MR. DRESCHER: That's correct.

10 THE COURT: Okay. Fair enough. Thanks.

11 The next thing for me to do is to read the  
12 guidelines findings into the record so they have a permanent  
13 place in the proceeding. I'll do that. I've adjusted them  
14 to reflect the removal of the gun enhancement. They are  
15 otherwise as the parties have seen them with their prior  
16 discussions with the probation office.

17 MS. GREENLESS: Your Honor? Sorry. I apologize  
18 to interrupt. One thing I should have added earlier when  
19 you mentioned any other objections to the PSR, not an  
20 objection, but it mentions six open warrants in  
21 Massachusetts.

22 THE COURT: Right.

23 MS. GREENLESS: Those have all been resolved. So  
24 I'm wondering if the Court can issue an order that it be  
25 modified to state so, the PSR be modified.

1 THE COURT: Yeah. I spoke before with the  
2 probation office. And I recognize most were resolved. I  
3 think there are two left, but I'll defer to the probation  
4 office.

5 PROBATION OFFICERE: All six warrants have been  
6 resolved, Your Honor. There are two hearings scheduled.  
7 One is a violation of probation sentencing. And one is a  
8 pre-trial conference. But all the warrants have been  
9 resolved.

10 THE COURT: So it's easily done to adjust that in  
11 the PSR?

12 PROBATION OFFICERE: Yes.

13 THE COURT: That's fair. Because certainly I  
14 wouldn't want the Bureau of Prisons to think at the end of a  
15 sentence there were warrants waiting. Yeah. Thanks. We'll  
16 do that.

17 Statement of reasons for sentence: Pursuant to  
18 the decisions of the Supreme Court in United States versus  
19 Booker and Gall versus United States, and the Second  
20 Circuit's Court of Appeals decision in United States versus  
21 Crosby, in determining the following sentence the Court has  
22 considered the United States Sentencing Guidelines  
23 applicable in this case, including all departure authority  
24 contained in the guidelines policy statements as well as all  
25 of the factors enumerated in 18 U.S.C., Section 3553(a).

1           The Court finds as follows in this case:

2           One, the offense of conspiracy to distribute  
3 controlled substances, in violation of 21 U.S.C., Sections  
4 846, 841(a), 841(b)(1)(C), occurred between August 2017 and  
5 April 2018. The offenses of money laundering, in violation  
6 of 18 U.S.C., Sections 1956(a)(1)(B)(1), occurred on or  
7 about September 28, 2017, October 10, 2017 and January 16th,  
8 2018. Hence, the sentencing guidelines apply in this case.

9           Two, counts one, seven, eight, nine group pursuant  
10 to Guideline Section 3D1.2(c).

11           Three, the guideline for this group is found in  
12 Section 2S1.1 of the Guidelines Manual, the November 1, 2018  
13 edition.

14           Pursuant to Guideline Section 2S1.1, the  
15 underlying offense guideline, in this case Section 2D1.1, is  
16 referenced when determining the base offense level.

17           A., the offense involved between 400 and  
18 700 kilograms of converted drug weight. Therefore, the  
19 offense level is 26.

20           B., the defendant distributed controlled  
21 substances through mass marketing, resulting in an increase  
22 of two levels pursuant to 2D1.1(b)(7).

23           D., the defendant maintained a premises for the  
24 purpose of storing, manufacturing, or distributing a  
25 controlled substance, resulting in an increase of two levels

1 pursuant to Guideline Section 2D1.1(b)(12).

2 E., the defendant receives an aggravating role  
3 adjustment and was directly involved in the importation of a  
4 controlled substance, resulting in an increase of two levels  
5 pursuant to Guideline Section 2D1.1(b)(16)(C). The total  
6 base offense level is 32.

7 Four, specific offense characteristics under  
8 Guideline Section 2S1.1 apply.

9 A., the defendant was convicted of 18 U.S.C.,  
10 Section 1956, therefore the offense level is increased by  
11 two levels. The adjusted offense level becomes 34.

12 Five, the defendant was an organizer, leader,  
13 manager, or supervisor of the criminal activity, resulting  
14 in an increase of two levels. The adjusted offense level is  
15 36.

16 Six, the defendant has demonstrated an acceptance  
17 of responsibility for his offense, therefore his offense  
18 level is reduced by three levels pursuant to Guideline  
19 Section 3E1.1. The total offense level is 33.

20 The defendant has zero criminal history points,  
21 resulting in a criminal history category of I. The  
22 guideline range of imprisonment for an offense level of 33  
23 and a criminal history category of I is 135 to 168 months.

24 Eight, the guideline term of supervised release is  
25 three years on count one and one to three years on counts

1 seven, eight and nine. Since the applicable guideline is in  
2 Zone D of the sentencing table, imposition of a term of  
3 probation is not authorized.

4 I'll turn from the guideline calculations to the  
5 broader statutory sentencing factors. I've considered these  
6 factors in seeking to reach a sentencing decision which is  
7 sufficient, but not greater than necessary to comply with  
8 the purposes of the sentence. I've considered the need for  
9 the sentence to reflect the seriousness of the crime, to  
10 promote respect for the law, and to provide just punishment  
11 for the offense. The sentence should also deter criminal  
12 conduct and protect the public from future crime by the  
13 defendant and promote rehabilitation.

14 Let me talk as candidly and directly as I can,  
15 Mr. Bent, with you about the factors under Section 3553.  
16 They are critical to the sentencing decision in this case  
17 because it's not going to be a guideline sentence. Both  
18 parties have agreed to that. And so the broader sentencing  
19 factors are really what guide me.

20 First, the nature and circumstances of the  
21 offense. The offense is a very serious offense. I think  
22 everyone here recognizes that on both sides. I certainly  
23 do. As I understand your conduct, you started off selling  
24 marijuana over the web in sort of a complex computer  
25 structure and moved quickly to selling many other drugs more

1 harmful, more dangerous. And I think what's very fortunate  
2 that the agents, through the sting operation, were able to  
3 catch you because I think this was simply going to increase  
4 in the variety and dangerousness of drugs. And I'm not sure  
5 that, as you did that, you had a full appreciation of the  
6 harm that drugs like LSD and cocaine can cause to people,  
7 particularly young people who I surmise are most likely to  
8 find you on the dark web.

9           So it's a serious offense. And I think it was  
10 kind of increasing in seriousness as time, as time went on.  
11 And that's demonstrated by the involvement of your cousin  
12 and your use of her to mail increasing numbers of packages  
13 from local post offices.

14           History and characteristics of the defendant.  
15 I'll do my best to speak frankly about the positives and the  
16 negatives. The negative is, we've already really talked  
17 about. You are willing to sell dangerous drugs to strangers  
18 all over the United States, whose ages and vulnerabilities  
19 you had no way of appreciating, to make cash. That's a bad  
20 thing.

21           On the good side, and on the mitigating side, I  
22 recognize that you have no criminal history for purposes of  
23 the guideline calculations. That you came out of a  
24 difficult family setting. That in your teenage years you  
25 were not an easy law abiding type of young man and that you



1 changed that behavior and became a responsible person. A  
2 father, a wage earner, a person with considerable  
3 intellectual gifts, particularly in the area of computers,  
4 and that you really overcame a difficult start in life.

5 And I listened and I understood when you spoke  
6 today about your determination to return to that path. And  
7 I have real confidence that you mean it and that you can do  
8 it. And that you have family support here today, and that  
9 they will stay with you. Your children stay with you  
10 regardless, and I trust your spouse will as well.

11 So history and characteristics, looking forward, I  
12 would say there's reason for optimism. And I've taken that  
13 into consideration in thinking about a sentence.

14 In many cases I don't talk much about deterrence.  
15 Deterrence means trying to make sure that these crimes don't  
16 happen again. It has two aspects. You know, one is  
17 deterring you as an individual. I think probably your  
18 arrest accomplished most of that.

19 MR. BENT: It did, Your Honor.

20 THE COURT: I here yeah. I don't think there's  
21 any likelihood that you're going to return. But there are  
22 other young men and women in this sort of hacking and  
23 computer savvy world who can figure out, like you, how to  
24 kind of open the next lands end cite for the sale of drugs.  
25 And it's a sort of ingenious crime because all you need is a

1 computer. You don't need to know people who are selling  
2 drugs because they are, as I understand it, online, and you  
3 don't need to know your customers because they are online.  
4 It's a crime which could be repeated by, you know, by  
5 another young person with similar skills and a willingness  
6 to let their moral code down.

7           So I think there is a need to impose a sentence  
8 which will resonate with other people who are thinking about  
9 this. And I've thought a lot about, this week about where  
10 that range for such a sentence would be strong enough to  
11 deter others and not unduly punitive in your individual  
12 case. It's a problem.

13           The need to avoid unwarranted sentence disparities  
14 among similarly situated defendants means that we try to  
15 treat people evenly for similar conduct, not play favorites  
16 in court. And most of the drug distribution defendants whom  
17 we see are involved in, all of them I think except, except  
18 for you were involved in more hand to hand traditional drug  
19 distribution. And their sentences, when there are not  
20 aggravating circumstances with violence or things of that  
21 nature, have frequently fallen in the range which the  
22 parties have been discussing, about four years, below nine.  
23 I think both sides of the Court are all sort of, tried to be  
24 consistent in treating, in imposing sentences which reflect  
25 a serious attempt to respond to the behavior without kind of

1 ending adult life as you know it. Leaving room for you and  
2 time to recover and move onto a better manner of life.

3 The type of sentences available. An incarcerative  
4 sentence is my only choice. I think a probation sentence is  
5 not appropriate. Nobody has advocated for it.

6 So I tried to explain my thinking as best I can.  
7 I'll impose the sentence.

8 The sentence of the Court is that the defendant is  
9 committed to the custody of the Federal Bureau of Prisons  
10 for a term of 60 months on counts one, seven, eight, nine,  
11 all concurrent. That means it's a five year sentence. It  
12 runs at the same time on each count. For a total sentence  
13 of 60 months. To be followed by a three year term of  
14 supervised release.

15 And the conditions of supervised release are as  
16 follows: A., you must not commit another federal, state or  
17 local crime.

18 B., you must not unlawfully possess a controlled  
19 substance.

20 C., you must refrain from any unlawful use of a  
21 controlled substance. You must submit to one drug test  
22 within 15 days of release from imprisonment or placement on  
23 probation and at least two periodic drug tests thereafter as  
24 determined by the Court.

25 D., you must cooperate in the collection of DNA as

1 directed by the probation officer.

2 E., you must comply with the standard conditions  
3 of supervision set forth in Part G of the Pre-Sentence  
4 Report. These conditions are imposed because they establish  
5 the basic expectations for your behavior while on  
6 supervision and identify the minimum tools needed by  
7 probation officers to keep informed, report to the Court  
8 about, and bring about improvements in your conduct and  
9 condition.

10 F., you must submit your person, property, house,  
11 residence, vehicle, papers, computers, other electronic  
12 communications or data storage devices or media, or office,  
13 to a search conducted by a United States Probation Officer.  
14 Failure to submit to a search may be grounds for revocation  
15 of release.

16 You must warn any other occupants that the  
17 premises may be subject to searches pursuant to this  
18 condition. An officer may conduct a search pursuant to this  
19 condition only when reasonable suspicion exists that you  
20 have violated a condition of supervision and that the areas  
21 to be searched contain evidence of this violation. Any  
22 search must be conducted at a reasonable time and in a  
23 reasonable manner.

24 I'll state for the record that the sentence is a  
25 variance down from the guideline range of 135 to 168 months.

1 The principal basis for the variance is the lack of criminal  
2 record. Of course, that's reflected in the guideline  
3 calculation as well. But in this case, I think it counts in  
4 your favor that you overcame childhood difficulties, which  
5 were not of your causing, obviously, and a difficult youth,  
6 teenage years. And with the exception of this serious  
7 offense, through your own efforts, have made yourself a good  
8 citizen and a good member of our society. And I think that  
9 absence of other criminal conduct, and your significant  
10 family responsibilities now with children, and your  
11 difficult beginnings are a strong reason to vary below the  
12 guideline range.

13 The guideline fine range is from \$40,000 to  
14 \$2,500,000. The defendant has demonstrated no ability to  
15 pay a fine, therefore all fines are waived. A special  
16 assessment of \$400 is due immediately.

17 And I will state for the record that the Court  
18 will impose the agreed upon forfeiture money judgment in the  
19 amount of \$14,000. I'll ask Mr. Drescher to submit the form  
20 of an order and I will sign it upon receipt.

21 MR. DRESCHER: Very well. Will do.

22 THE COURT: All right. Thanks. You have appeal  
23 rights, I'll read them aloud. Both the defendant and the  
24 government may have the right to appeal this sentence, as  
25 set forth in Title 18, U.S. Code, Section 3742. If the

1 defendant is unable to pay the cost of an appeal, he has the  
2 right to apply for leave to appeal in forma pauperis, and  
3 request the Court to appoint counsel for him.

4 If the defendant so requests, the clerk of the  
5 court shall prepare and file forthwith a notice of appeal on  
6 behalf of the defendant. Notice of appeal by the defendant  
7 must be filed within 14 days of the date judgment is entered  
8 on the docket, pursuant to Rule 4(b) of the Federal Rules of  
9 Appellate Procedure.

10 Miss Greenless, any request as to location?

11 MS. GREENLESS: He would like to be as near to his  
12 family as possible.

13 THE COURT: That would probably be Berlin, New  
14 Hampshire. Is that a reasonable choice? I think there's a  
15 camp there too if he qualifies.

16 MR. BENT: My understanding is that some of the  
17 facilities have better educational options.

18 THE COURT: I'm sure that's true. And I'll be  
19 glad to recommend anywhere that you've heard about.

20 MR. BENT: I've already looked into it, Your  
21 Honor. Danbury in Connecticut seems to have really good  
22 vocational training and things along those lines.

23 THE COURT: All right. So I'll recommend  
24 placement at Danbury.

25 Mr. Drescher, what is the government's view as to

1 self-surrender?

2 MR. DRESCHER: In light of Mr. Bent's compliance  
3 since his arraignment in this case we don't object to him  
4 being allowed to self-surrender.

5 THE COURT: All right. You have a court date,  
6 remind me, in Massachusetts. When is that?

7 MR. BENT: I believe it was in September. Um, I  
8 have it written down at home.

9 THE COURT: I think Miss Greenless knows

10 PROBATION OFFICERE: September 12th, Your Honor.

11 THE COURT: September 12th. So, and you plan to  
12 keep that?

13 MR. BENT: Um, so when I had my warrants removed  
14 the other day my lawyer had told me that he had gotten an  
15 amendment when -- so my presence was waived. So that the  
16 sentence would commence without me actually having to be  
17 there because the Court down there was aware that I was  
18 awaiting a federal sentence.

19 THE COURT: Okay. All right. So how about we  
20 give you 30 days to get your affairs in order?

21 MR. BENT: Thank you, Your Honor.

22 THE COURT: Where would that bring us?

23 THE CLERK: Self-report date would be Tuesday,  
24 October 1st before 2 p.m..

25 THE COURT: The probation office can help you with

1 the details.

2 MR. BENT: Okay. Thank you.

3 THE COURT: Miss Greenless, anything else from  
4 your side?

5 MS. GREENLESS: No, Your Honor. Thank you.

6 THE COURT: Mr. Drescher?

7 MR. DRESCHER: Your Honor, I move to dismiss the  
8 remaining counts of the indictment, which are counts two  
9 through six and count 10.

10 THE COURT: Granted.

11 I would just say this, Mr. Bent, I know it's not  
12 an easy day for you. But I look forward to welcoming you  
13 back to the community after you've completed your sentence.  
14 You are clearly a gifted person in many respects. And I  
15 look forward to, I'm not often in East Burke, but if you  
16 catch sight of me in Burlington I hope you'll march right up  
17 and say hello and introduce me to your son or your wife,  
18 whoever is with you. The time I really don't want to see  
19 you again would be back in a federal courtroom on a  
20 violation. I'm sure that's not going to be an issue.

21 MR. BENT: That won't happen, Your Honor.

22 THE COURT: Okay. Fair. Good luck with things.  
23 Okay.

24 MR. BENT: Thank you, Your Honor.

25 THE COURT: Thank you both. I appreciate your



1 help very much, both of you.

2 MR. DRESCHER: Thank you.

3 The Court recessed at 11:46 a.m.)

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## C E R T I F I C A T E

I, Anne Marie Henry, Official Court Reporter for the United States District Court, for the District of Vermont, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes taken in the aforementioned matter to the best of my skill and ability.

A handwritten signature in black ink that reads "Anne Marie Henry". The signature is written in a cursive style and is positioned above a horizontal line.

Anne Marie Henry, RPR  
Official Court Reporter